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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/779,662	02/18/2004	Yukio Nakagawa	IS-US031017	8934
22919	7590	09/29/2006	EXAMINER	
GLOBAL IP COUNSELORS, LLP 1233 20TH STREET, NW, SUITE 700 WASHINGTON, DC 20036-2680			SELLS, JAMES D	
			ART UNIT	PAPER NUMBER
			1734	

DATE MAILED: 09/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/779,662	NAKAGAWA ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	James Sells	1734	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 19 July 2006.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-7,9-15 and 17-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-7,9-12,14,15 and 17-20 is/are rejected.
- 7) Claim(s) 13 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ .  | 6) <input type="checkbox"/> Other: _____ .                        |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-5 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hunter et al (GB 2,060,542) in view of Gur et al (US Patent 5,433,060) in further view of Belt (US Patent 6,726,794).

Regarding claim 1, Hunter discloses a mounting system which places bags onto a display card. The card is held and advanced horizontally and the bags are mounted thereto and sealed onto the card by a mounting mechanism 15, 19. An obvious alternative to placing the bags in Hunter on a card would be to place them on a carrier strip of tape, as shown in Gur. It would have been obvious to one having ordinary skill in the art that a carrier strip or tape can be used in place of the display card in Hunter, because both are known and used in the art and one having ordinary skill would appreciate that they are functionally equivalent alternate expedients as taught by Gur (see col. 1, lines 36-37).

With respect to the control unit, there is an understanding in the art that a control unit be used to control not only the tape holding mechanism, but also the mounting system. Gur teaches to control the strip drive mechanism such that it cooperates with the sealing jaws to ensure package control and positioning. See col. 5, lines 28-42.

With respect to the bag transport mechanism, applicant is directed to the reference of Belt. Belt discloses a method and apparatus for producing a merchandiser. This system includes conveyor 18 with pockets 16 for transporting bags or items 12. Figs. 1-2 of belt show the bags are maintained in a substantially vertical orientation during transport. It would have been obvious to one having ordinary skill in the art to employ a vertical orientation conveyor, as taught by Belt, in the system of Hunter in view of Gur described above in order to facilitate production of the articles.

As to claim 2, it is appreciated that the carrier strip used in Hunter in view of Gur would be more flexible than bagged product.

As to claim 3, the mounting mechanism includes a heater 19, which is configured with the pressure bar 15 to attach the bags to the carrier strip in Hunter in view of Gur.

As to claims 4 and 18, the pressing member 15 is capable of being controlled such that the bags overlap as set forth in the claim. Overlapping the bags is known in the art as shown in Gur.

As to claim 5, both Hunter and Gur disclose using a carrier that is adhesive.

3. Claims 6-7, 9-12 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hunter et al in view of Gur et al in further view of Belt as described above in paragraph 2 in further view of Yamazaki (JP 54-070192 A).

As to claim 6, Hunter in view of Ger and Belt disclose the carrier to which the bag is applied be adhesive, but there is no discussion of how the adhesive is applied. Yamazaki discloses a device for creating a continuous book of samples where adhesive

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is applied to carrier substrate 10 just before application of the samples 6 to the substrate 10. It would have been obvious to one having ordinary skill in the art to apply the adhesive to the web, as shown in Yamazaki, because Yamazaki shows that applying the adhesive just before assembling the article is known in the art and an artisan would appreciate the advantages which come with applying the adhesive just before the package is applied thereto.

As to claims 7, 9-12 and 16, Hunter in view of Gur and Belt does not disclose a product placement mechanism, however, this is shown in Yamazaki which shows the products being held in a magazine 2 and then transferred to the carrier by a suction head 4 and are spaced apart from the tape holding mechanism. The magazine 2 includes a cylinder 3 for pressing the articles 6 upward to be picked up by the suction head 4.

4. Claims 14, 15, 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hunter et al in view of Gur et al in further view of Belt and Yamazaki as described above in paragraph 3 in further view of Nakagawa et al (US Pub 2003/0000179).

Regarding claim 14, Hunter in view of Gur, Belt and Yamazaki does not teach the additional step of inspecting the seal. Nakagawa, in discussing JP Laid-Open Patent Application 10-77002, suggests that inspection of the seal is known in the art. It would have been obvious to one having ordinary skill in the art to inspect the seal of the package in Hunter because one of ordinary skill in the art would appreciate that such a

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step prevents improperly sealed packages from being displayed and sold. See paragraphs [0004], [0005], [0008] and [0009].

Regarding claim 15, photoelectric sensors used in Nakagawa are an imaging means as set forth in the claim and are used to control the mechanism.

Regarding claim 19, Nakagawa also discloses that weight detection means are known to be used in packaging systems.

Regarding claim 20, the purpose of a seal check would be to remove the improperly sealed package. One obvious way to remove the package would be to prevent it from being mounted onto the tape strip. Such a control feature would have been obvious to one having ordinary skill in the art.

#### ***Allowable Subject Matter***

5. Claim 13 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. The following is a statement of reasons for the indication of allowable subject matter: There is no reason or suggestion for changing the orientation of the bag in Hunter, Gur, Belt, Yamazaki or Nakagawa, nor is there reason to do so.

***Response to Arguments***

7. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

***Telephone/Fax***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Sells whose telephone number is (571) 272-1237. The examiner can normally be reached on Monday-Friday between 9:30 AM and 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Fiorilla can be reached at (571) 272-1187. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.



JAMES SELLS  
PRIMARY EXAMINER  
TECH. CENTER 1700